

June 6, 2007 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

07AN0330

Ryan K. Short

Bermuda Magisterial District
2940 Key Avenue

REQUEST: A Variance to use a parcel of land which fronts on a dedicated but unimproved public road for dwelling purposes in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.

GENERAL INFORMATION

Location:

Property is known as 2940 Key Avenue. Tax ID 789-678-3018 (Sheet 18)

Existing Zoning:

R-7

Size:

0.3 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North -R-7; Residential
South -R-7; Residential
East -R-7; Vacant
West -R-7; Vacant

Utilities:

There is an existing water line on Key Avenue and existing sewer line on Fonda Street (recently completed Rayon Park sewer project – lateral was installed for this vacant lot), connection to both public water and sewer is required by County Code.

Transportation:

In order for the applicant to provide maintenance to this section of road, a license agreement must be obtained from the Board of Supervisors. The license agreement typically requires the applicant to perform all maintenance to the access road within the right of way. In similar situations throughout the County, residents often request the County to perform maintenance on the right of way even though a private maintenance agreement exists. The County has no funds budgeted for this service.

Environmental Engineering:

Approximately 3 ½ years ago Environmental Engineering (EE) installed a combination storm sewer and paved ditches to alleviate drainage concerns in Rayon Park. This lot will drain to this system. If this Variance is granted, the applicant should be required to route the drainage to the paved ditch next to Alcott Road and/or the Drop In (DI) inlet located in the rear of the unimproved section of Key Avenue.

General Plan:

(Jefferson Davis Corridor Plan)

Residential
(2.51 – 4 units per acre)

DISCUSSION

The applicant requests a Variance to use a parcel of land which fronts on a dedicated, but unimproved, public road for dwelling purposes. The access to the dwelling will be over a fifty (50) foot dedicated road from Point A to Point B, as shown on the attached map.

The applicant provides the following justification in support of this request:

I am requesting a Variance to build on a parcel of land which fronts on a dedicated but unimproved public road. Only one (1) dwelling will be built. County sewer already exists and county water is available. The subject property is useless without approval of this Variance request.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family, or complies with the plat validation process. In this case the property was recorded prior to 1980.

The subject property is located at the intersection of Fonda Street and Key Avenue, approximately 110 feet south of Alcott Road. The approved Subdivision plat indicates Fonda Street and Key Avenue are fifty (50) foot wide dedicated but unimproved public roads. Staff's field inspection revealed that Fonda Street is a fifteen (15) foot wide dirt/gravel road.

The subject property is located in the Rayon Park Subdivision which was recorded September 7, 1928 and consists of 0.3 acre. This is an older, well established residential neighborhood. The County assessor's office indicates the applicant purchased the subject property on December 21, 2006.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Condition 2 will address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owner if this Variance were denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

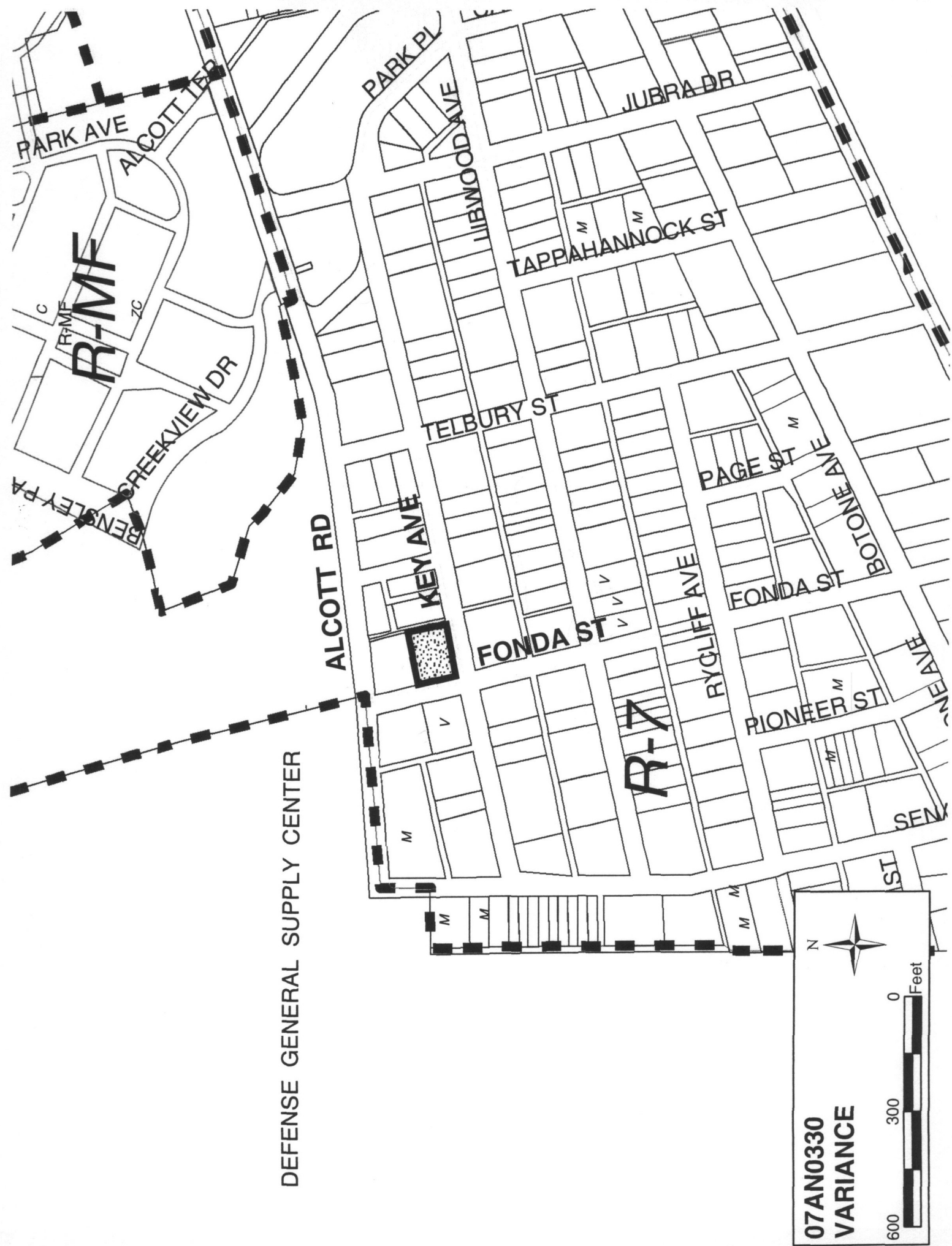
However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Prior to approval of a building permit, the applicant shall provide a copy of the approved license agreement with the County to use the dedicated and unimproved County right of way from Point A to Point B, as shown on the plat attached to the staff report. (P)
2. A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B in accordance with the following standards:
 - (a) This roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone, if an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm. (P)
3. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine compliance as set forth above. (P)
4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers. (P)
5. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided. (P)

6. The drainage generated from impervious areas on the lot must be directed to the paved ditch next to Alcott Road and/or to the rear to the Drop In (DI) inlet in the unimproved section of Key Avenue. (EE)

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DEFENSE GENERAL SUPPLY CENTER

07AN0330
VARIANCE

600 300 0 Feet

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ALCOTT RD

TELBURY ST

KEY AVE

FONDA ST

POINT A

POINT B

M

M

M

07AN0330-1